

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

TEVIN MIZELL,

Supervisee.

No. 14-cr-212-1 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On November 21, 2023, the Court held a conference to consider Defendant Tevin Mizell’s motion to terminate early his five-year term of supervised release (Doc. No. 1075), which Mr. Mizell filed after the U.S. Probation Office petitioned for an early end to his supervision (Doc. No. 1066). The government opposed Mr. Mizell’s request. (Doc. No. 1067).

“A district court is authorized to ‘terminate a term of supervised release . . . at any time after the expiration of one year of supervised release,’ so long as ‘it is satisfied that such action is [1] warranted by the conduct of the defendant . . . [2] and the interest of justice.’” *Whittingham v. United States*, No. 12-cr-0971 (RJS), 2017 WL 2257347, at \*6 (S.D.N.Y. May 22, 2017) (internal quotation marks omitted) (quoting 18 U.S.C. § 3583(e)(1)). While there can be no doubt that the crimes to which Mr. Mizell pleaded guilty were extremely serious, it bears noting that his criminal conduct related to his involvement in a Bronx street gang that began when he was thirteen and concluded within a few months of his twentieth birthday. At the time of Mr. Mizell’s sentencing in 2015, he had already made a number of positive steps “to prepare himself for the future” and to become a “law-abiding and contributing” member of society. (Doc. No. 566 at 41.) When invited to address the Court at that proceeding, Mr. Mizell apologized for his misconduct, “blame[d]

nobody but [him]self,” and committed himself to the “discipline” required to become a “mature man” and a “positive [member of] society.” (*Id.* at 51.) He assured the Court that “you [w]on’t ever have to see me in the courtroom again.” (*Id.*)

More than eight years later, Mr. Mizell has lived up to that promise. He is now a thirty-year-old man who is gainfully employed – he has, in fact, been promoted several times – while attending classes to secure an OSHA certification. He is financially self-sufficient, maintains a modest lifestyle, has established a bank account with the goal of saving money to purchase his own residence, and is, most importantly, the devoted father to a two-year-old daughter. His Probation Officer has taken the unusual step of *sua sponte* moving for Mr. Mizell’s early termination from supervised release, having concluded that he “has received the maximum benefits of supervision.” The Court agrees. In light of Mr. Mizell’s positive adjustment to the community – including his laudable efforts to establish a career and to raise his young daughter – as well as his compliance with the all terms of his supervised release, the Court is persuaded that an early termination is fully warranted by both Mr. Mizell’s conduct and the interests of justice.

Accordingly, for the reasons set forth above and stated on the record at the conference held earlier this morning, IT IS HEREBY ORDERED THAT Mr. Mizell’s term of supervised release is terminated. The Court extends its best wishes to Mr. Mizell and his family. The Clerk of Court is respectfully directed to terminate the motion pending at Doc. No. 1075.

SO ORDERED.

Dated: November 21, 2023  
New York, New York



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RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation